

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

IN RE: Bair Hugger Forced Air Warming  
Products Liability Litigation

MDL No. 15-2666 (JNE/DTS)

THIS DOCUMENT RELATES TO:

17-cv-04778 (*Brown v. 3M Co., et al.*)

18-cv-00207 (*Guenther v. 3M Co., et al.*)

18-cv-00275 (*Owens v. 3M Co., et al.*)

**PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO DISMISS**

NOW COME Plaintiffs, in the above-captioned matters, identified in Defendants' Motion to Dismiss for Failure to Comply with Pretrial Order No. 14 [Dkt. 1463], and by and through the undersigned counsel submit this, Responses to Defendants' Motion to Dismiss, along with the Declaration of Daniel C. Burke, Esq. and would respectively show the Court the following:

**Plaintiffs Brown and Guenther**

Plaintiffs Ina Brown and Gary Guenther were identified in Defendants' Motion to Dismiss. Plaintiffs have submitted amended PFSs. Defendants' have agreed to withdraw their motion with regards to Plaintiffs Brown and Guenther. Therefore, Defendants' motion is moot.

**Plaintiff Owens**

Plaintiff Janis Owens alleges Calvin Walraven developed a serious infection and was forced to undergo treatment of the same as a result the use of a Bair Hugger Forced Air Warming Blanket during an orthopedic surgery. Plaintiff's PFS was served upon

Defendants on July 03, 2018. An amended-PFS curing all core deficiencies was submitted on November 08, 2018. Therefore, Defendants' motion is moot.

For the foregoing reasons, Plaintiffs believe that Defendant's Motion is moot and therefore request that Defendant's Motion to Dismiss be denied.

DATED: November 08, 2018

Respectfully submitted,

**BERNSTEIN LIEBHARD LLP**

By: /s/ Daniel C. Burke

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**CERTIFICATE OF SERVICE**

I hereby that on November 8, 2018 a copy of the foregoing document was served on all parties via the Court's electronic filing system.

Respectfully submitted,

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